

**REMARKS**

**INTRODUCTION:**

In accordance with the foregoing, claims 1, 3, and 10-13 have been amended, and claims 17-20 have been added. Claims 3 and 11 have been amended to more clearly set forth the existing scope of the claims in light of the Federal Circuit's decision in Superguide Corp. v. DirecTV Enterprises, Inc., 69 USPQ2d 1865 (Fed. Cir. 2004).

No new matter is being presented, and approval and entry of the foregoing amendments and new claims are respectfully requested.

Claims 1-20 are pending and under consideration. Reconsideration is requested.

**OBJECTIONS TO THE DRAWINGS:**

In the Office Action at page 2, the drawings were objected to under 37 CFR 1.83(a) as not showing the features of claims 4-8 and 12-16. However, the Examiner did not set forth which features were objected to, or how the existing drawings, such as FIG. 5, do not set forth sufficient structure in light of the understanding of one of ordinary skill in the art as to meet the drawing requirements of 37 CFR 1.83. As such, it is unclear as to which feature in each claim is both capable of illustration and is sufficiently essential to the understanding of the invention as to not be compliant with 37 CFR 1.83 and MPEP 608.02(d). Therefore, reconsideration and withdrawal of the outstanding objections to the drawings are respectfully requested.

**OBJECTION TO THE TITLE:**

In the Office Action at page 2, the title was objected to as not being descriptive. In view of the proposed amended title set forth above, the outstanding objection to the title should be resolved.

**OBJECTION TO THE CLAIMS:**

On page 3 of the Office Action, the Examiner objects to claims 10-13 under 37 CFR 1.75(c) as not further limiting claim 9, from which claims 10-13 depend. However, it is respectfully submitted that claims 10-13, as filed, contain additional features not set forth in claim 9 such that claims 10-13 are compliant with 37 CFR 1.75(c). However, claims 10-13 have been amended in order to more clearly relate the depending features as indicated without narrowing the scope of the claims as would have been understood by one of ordinary skill in the art. As such, it is respectfully requested that the Examiner reconsider and withdraw the objection.

**REJECTION UNDER 35 U.S.C. §103:**

In the Office Action at page 4, the Examiner rejects claims 1-16 under 35 U.S.C. §103 in view of Weirauch et al. (U.S. Patent Publication No. 2001/48659) and Acker (U.S. Patent Publication No. 2002/181376). The rejection is respectfully traversed and reconsideration is requested.

Among other features, the Examiner asserts that the disk control block (DCB) is associated with each control block and that, since each control block can have a different DCB, the disk having newer DCBs corresponds to the existing control information and the updated control information of Weirauch et al. However, it is respectfully submitted that the multiple DCBs of Weirauch et al. relate to different DCBs and do not relate to existing and updated versions of the same DCB.

By way of review, Weirauch et al. suggests a disk 100 having one general media (GM) DCB 200 and a plurality of optional DCBs 200. The GM-DCB 200 is written in the lead in area 104 and the optional DCBs 200 are written at a later time. In order to provide backward compatibility, each DCB 200 includes an Unknown Content Description Actions (UCDA) area 204 which includes instructions used by a drive when the drive does not recognize the DCB 200 and thus cannot recall the control information implicated by the DCB 200. Where a new DCB is included, the old DCB is indicated as being reusable by having a DCB ID set to FFFE hex. (Paragraphs 0014, 0015, 0017, 0018 of Weirauch et al.) As such, while Weirauch et al. discloses using a single DCB for a particular command and providing backward compatibility using the UCDA area 204 and re-designating the old DCB 200 as being reusable, Weirauch et al. does not suggest using both updated and existing DCBs 200 to record/reproduce information.

In contrast, claim 1 recites, among other features, "recording and/or reproducing existing control information" and "recording and/or reproducing updated control information." Since Acker is not relied upon and does not disclose such a feature, it is respectfully submitted that the combination does not disclose or suggest the invention as recited in claim 1.

For at least similar reasons, it is respectfully submitted that the combination does not disclose or suggest the invention as recited in claim 9.

Claims 2-8 and 10-16 are deemed patentable due at least to their depending from corresponding claims 1 and 9.

On page 5 of the Office Action, the Examiner rejects claims 1-16 under 35 U.S.C. §103 in view of Miyake et al. (U.S. Patent No. 6,580,684) and Mimura et al. (U.S. Patent No. 6,160,952). The rejection is respectfully traversed and reconsideration is requested.

By way of review, Miyake et al. suggests using sub-codes, such as those shown in FIGs. 11-13, to identify the physical characteristics of entire discs or of sub-areas of the disc using the bit settings shown in FIGs. 14 through 17. As such, where a disc has multiple areas with different recording densities and/or characteristics as shown in FIG. 5B, these densities and/or characteristics can be conveyed to a drive in corresponding ATIP frames. (Col. 10, lines 44-62, col. 12, lines 32-48, col. 13, line 25-50 of Miyake et al.) Thus, Miyake et al. is drawn to a hybrid type disc having sections with different formats (e.g., a ROM format section and a RW format).

However, Miyake et al. does not suggest that the information of different ATIP frames correspond to updated versions, that the information in the different ATIP frames is used to further record and/or reproduce data in additional areas of the disc other than the area including the ATIP frames, or that information recorded in one of the ATIP frames can be recorded using another set of control data recorded elsewhere on the disc instead of the one recorded in the ATIP frame.

Additionally, while the Examiner relies upon Mimura et al. as disclosing the ability to disclose plural version numbers with its associated specification, it is respectfully submitted that Mimura et al. merely suggests indicating a version number for a DVD specification in the VMGI MAT for which a given disk is compliant as shown in FIGs. 6, 7, and 10. However, there is no suggestion that multiple version numbers are indicated in the VMGI MAT, or that there would be an advantage in so doing.

Similarly, while Miyake et al. discusses indicating a disc category/version number of the DVD specification in col. 39, lines 50-58 and shown in FIG. 69A, there is no suggestion that multiple such version numbers of a common format would be used on the same disc, or that the version number included in the ADIP word shown in FIGs. 68A through 69A should be used by an apparatus for recording and/or reproducing data with respect to an area having control information other than the ADIP information included in the corresponding lead in area.

Moreover, even assuming arguendo that the combination is proper and discloses the use of plural version numbers, the combination of Miyake et al. and Mimura et al. suggests using the version numbers in corresponding areas in which the version number is indicated and recording/reproducing with respect to an area of the disc is not performed according to a selected one of the ADIP information or version numbers therein.

In contrast, claim 1 recites, among other features, that "the version number information of the existing and updated control information is used by a recording and/or reproducing apparatus to select between the existing and updated control information according to compatibility with a type of a recording and/or reproducing apparatus in order to perform recording and/or reproducing of data with respect to the information storage medium according to the selected control information." As such, it is respectfully submitted that the combination of Miyake et al. and Mimura et al. does not disclose or suggest the invention recited in claim 1.

For at least similar reasons, it is respectfully submitted that the combination does not disclose or suggest the invention as recited in claim 9.

Claims 2-8 and 10-16 are deemed patentable due at least to their depending from corresponding claims 1 and 9.

On pages 5-6 of the Office Action, the Examiner rejects claims 1-16 under 35 U.S.C. §103 in view of Ueki (U.S. Patent No. 6,678,236) and Bakx et al. (U.S. Patent No. 6,785,196). The rejection is respectfully traversed and reconsideration is requested.

On page 5 of the Office Action, the Examiner asserts that, since Ueki suggests using two lead-in areas, LI1 and LI2, inherently there are different control functions/identification in each of the lead-in areas LI1 and LI2 for the respective data segments. As a point of clarification, Ueki suggests recording real time recording (RTR) information in the lead-in area LI1 and DVD information in the lead-in area LI2 for use with data recorded in a data area DA. As such, where data is to be recorded in the data area DA using an RTR standard which is incompatible with a DVD standard, the lead-in area LI1 is used to record the data. In contrast, where data is to be recorded in the data area DA using the DVD standard, the lead-in area LI2 is used. In this way, copy protection is available for data recorded using the DVD standard while also allowing real time recording where the data is recorded using the RTR standard. As is evident from the recording and reproducing methods shown in FIGs. 11-14, while each disc can be used to record in either the RTR or the DVD standard, the data is only recorded in one of the two standards such that only one of the lead-in areas LI1 and LI2 is used. (Col. 13, lines 36-52, col. 24, lines 7-48 of Ueki). There is no suggestion that both types of data are used on the same disc such that the lead-in areas LI-1 and LI-2 refer to different data segments in the data area DA. Since Bakx et al. is not relied upon as disclosing such a feature, it is respectfully submitted that the combination does not disclose "recording and/or reproducing existing control information with respect to a predetermined first area of the information storage medium" and "recording and/or reproducing updated control information with respect to the first area" as recited in claim 1.

For at least similar reasons, it is respectfully submitted that the combination does not disclose or suggest the invention as recited in claim 9.

Claims 2-8 and 10-16 are deemed patentable due at least to their depending from corresponding claims 1 and 9.

**PATENTABILITY OF NEW CLAIMS:**

Claims 17-20 are deemed patentable due at least to their depending from claim 1.

**CONCLUSION:**

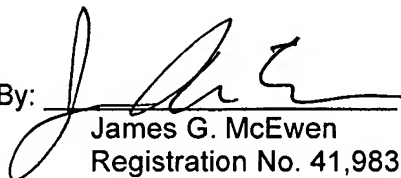
In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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